

UNITED STATE DISTRICT COURT EASTERN
DISTRICT OF NEW YORK

Case No.

GLOBAL LIBERTY INSURANCE COMPANY
OF NEW YORK a/s/o Joseph Diaz,

COMPLAINT

Plaintiff,

-Against-

U.S. MARSHALS SERVICE,
WASSON, RAYMOND, M

Defendant,

Plaintiff(s), by and through his attorney, THE LAW OFFICE OF JASON TENENBAUM, P.C., complaining of Defendant(s), alleges the following:

NATURE OF THE ACTION

1. This is a civil action brought by Plaintiff Subrogee to recover first party benefit payments made on behalf of Subrogor, Joseph Diaz, under New York No Fault Statute and New York Insurance Law. Plaintiff is the insurance carrier of Joseph Diaz.

2. Plaintiff, Global Liberty Insurance Company of New York (hereafter referred to as “Global Liberty”) brings this subrogation action resulting from a motor vehicle accident that happened on April 17, 2017, pursuant to the Federal Tort Claim Act (FTCA), against the U.S. Marshals Service, which headquarters are located at 1215 S Clark Street, Arlington, VA 22202, and which are locally at 225 Cadman Plaza Brooklyn, NY 11201.

3. Plaintiff, Global Liberty, seeks recovery of the first party benefits payment made on behalf of Plaintiff’s Subrogor “Joseph Diaz”, along with post judgement interest and attorneys’ fees and costs, pursuant to the FTCA.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action under 28 U.S. Code § 1357, as this action arises out of a motor vehicle accident involving a federal employee.

5. Venue is proper in this district under 28 U.S. Code § 1391(e)(1), because the plaintiff resides in this judicial district.

PARTIES

Plaintiff

6. Global Liberty is an insurance carrier, writing business in the State of New York, with its principal place of business at 68 South Service Road Suite 450, Melville, NY 11747.

7. Joseph Diaz was the holder of an insurance policy issued by Global Liberty, effective from 06/20/2016 to 06/20/2017, under policy number BKC037174-10.

8. On, or about April 17, 2017, Joseph Diaz was the owner and operator of a 2011 Toyota, registered in the State of New York and bearing license plate number T481920C, at the time of the above aforementioned motor vehicle accident.

Defendant

9. The U.S. Marshals Service was the owner of a 2016 Chevrolet, registered in the State of New York and bearing the license plate number HDF3843, at the time of the above aforementioned motor vehicle accident.

10. Wasson, Raymond, M was the operator of a 2016 Chevrolet, registered in the State of New York and bearing the license plate number HDF3843, at the time of the above aforementioned motor vehicle accident.

FACTS

11. At all relevant times herein, Joseph Diaz, was the owner and operator of a 2011 Toyota, bearing New York license plate number T481920C.

12. At all relevant times herein, The U.S. Marshals Service was the owner of a 2016 Chevrolet, bearing New York license plate number HDF3843.

13. At all relevant times herein, Wasson, Raymond, M operated the aforementioned 2016 Chevrolet, bearing New York license plate number HDF3843, with the permission and authority of The U.S. Marshals Service.

14. On or about April 17, 2017, at approximately 9.00 AM, the vehicle Plaintiff Subrogor, Joseph Diaz, owned and operated was involved in a motor vehicle collision with the vehicle that Defendant The U.S. Marshals Service owned and that Defendant Wasson, Raymond, M was operating at the time of the accident, on 907C W/B Belt Parkway, by the Bay 37 Street intersecting street.

15. The aforementioned collision was caused solely by the negligence of the Defendants in the ownership, operation and control of the 2016 Chevrolet, bearing New York license plate number HDF3843.

16. That the U.S. Marshals Service is vicariously liable since said Defendant gave Defendant Wasson, Raymond, M permission and authority to operate the aforementioned 2016 Chevrolet, bearing New York license plate number HDF3843.

17. That the aforesaid collision was caused solely as the result of the negligence of the Defendants without any negligence on the part of the Plaintiff's Subrogor contributing hereto.

18. That as a result of the aforesaid collision, Plaintiff Subrogor sustained damages in the sum of \$ 35,648.79.

AS AND FOR A CAUSE OF ACTION
Negligence
(Against Defendant U.S. Marshals Service)

19. Plaintiff, Global Liberty, repeats and reiterates each and every allegation as if originally set forth herein.

20. That the U.S. Marshals Service is vicariously liable since said Defendant gave Defendant Wasson, Raymond, M permission and authority to operate the aforementioned 2016 Chevrolet, bearing New York license plate number HDF3843.

21. That as a result Defendant's actions resulting from Defendant's negligence, Plaintiff Subrogor sustained damages in the sum of \$ 35,648.79.

AS AND FOR A CAUSE OF ACTION
Negligence
(Against Defendant Wasson, Raymond, M)

22. Plaintiff, Global Liberty, repeats and reiterates each and every allegation as if originally set forth herein.

23. Defendant Wasson, Raymond, M was negligent in the use and operation of the aforesaid 2016 Chevrolet, bearing New York license plate number HDF3843.

24. That as a result Defendant's actions resulting from Defendant's negligence, Plaintiff Subrogor sustained damages in the sum of \$ 35,648.79.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Global Liberty, demands judgement against Defendants in the sum of \$35,648.79, please interest thereon from April 17, 2017, together with costs and disbursements of this action.

Dated: Garden City, New York
06/26/2020

Yours, etc.

s/ Jason Tenenbaum

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